

Predicting the Need for Competency to Stand Trial Evaluations in Washington State

Kayla Wetzig, B.A. & Holly Cross (nee Buckman), Ph.D.

Valparaiso University Department of Psychology

INTRODUCTION AND BACKGROUND

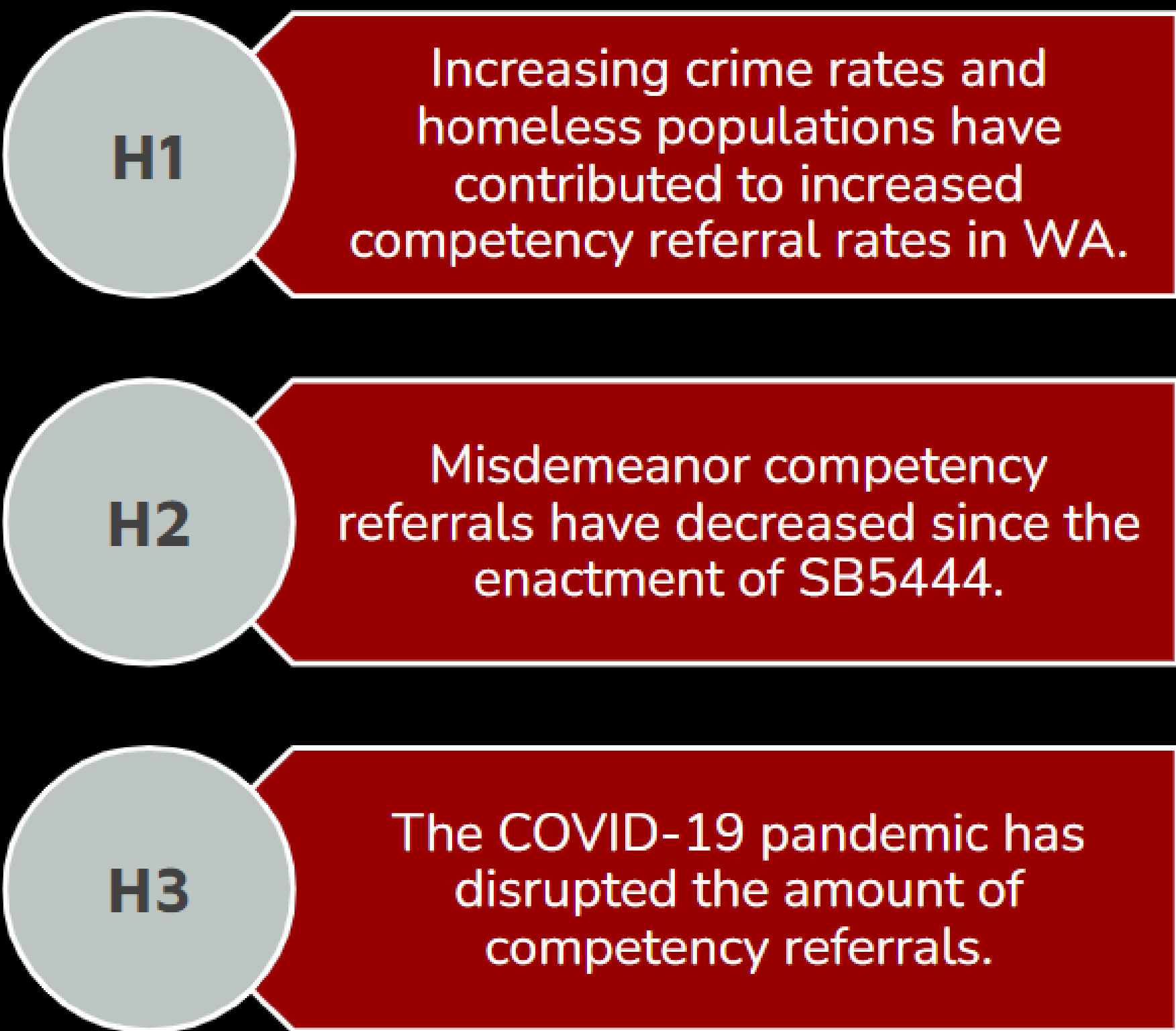
Competency to Stand Trial (CST) in the United States and the Competency Crisis

- Dusky v United States (1960)
- Evaluation and Restoration
 - 19,000 to potentially 94,000 evaluations per year
- Unconstitutional Delays
- Lawsuits Against Several States
- Suspected Causes of the Competency Crisis

Competency in Washington State

- Changes to Washington's Population
 - Population Growth
 - Increase in Crime Rates
 - Homelessness
 - Criminalization of Homelessness
 - Scarcity of Mental Health Resources
- COVID-19
 - March 13th, 2020 Court Closures
- Trueblood vs. DSHS (2015) and SB 5444 (2019)
 - Increased Hiring Efforts
 - Multi-Year Phasing Plan by County
 - \$22,159,000 over the course of six years
- Diversion Programs/Programs Aimed at Reducing Referral Rates
 - Prosecutorial and Police Level
 - Increased Mental Health Training of Key Stakeholders
 - Increased Resources for Homeless Individuals

HYPOTHESES



METHOD AND ANALYSES

Archival CST Data from January 2017 – February 2022 Published by Washington State DSHS

• <https://www.dshs.wa.gov/bha/court-monitor-reports>

General Linear Mixed Effect Model

- CST Referral Rate Divided by County Population
- Determine Significance of Effect of Crime Rates and Homelessness on CST Referral Rates
- Add Significant Factors and SB5444 time points or COVID-19 time points

RESULTS

- **H1**
 - 71% of variance in CST referrals were attributed to homelessness and crime rates,
 - Only homelessness had a meaningful effect size, but this was not the case when accounting for SB5444 and COVID-19
- **H2**
 - SB5444 decreased misdemeanor referrals, but misdemeanor referrals did not significantly decrease the total number of referrals (reduced average CST referral rate by .35)
 - Projections of referrals is still expected to increase (although this increase is slowing)
- **H3**
 - The onset of COVID-19 did reduce the number of referrals in 2020 (CST referral rate decreased -0.21)
 - While CST referral rates were decreasing, the model predicted CST referral rate would eventually increase

Year	Average # of Referrals per Month (Range)
2017	7.76 (0-229)
2018	10.81 (0-371)
2019	9.93 (0-261)
2020	8.80 (0-241)
2021	17.87 (0-271)

IMPLICATIONS AND FUTURE DIRECTIONS

- Washington State Programs Influenced by Referral Rate
- Competency Crisis Continues
- Continuing to Monitor Lawsuits
- Competency in Indiana

State Fiscal Year Percent Change in Number of Court Orders where client is waiting in jail for Inpatient Evaluation and Competency Restoration Services		
State Fiscal Year	Number of in-jail orders	Percent Change
SFY 2013	978	N/A
SFY 2014	1,070	9%
SFY 2015	996	-7%
SFY 2016	1,249	25%
SFY 2017	1,660	33%
SFY 2018	1,670	1%
SFY 2019	1,831	10%
SFY 2020	1,561	-15%
SFY 2021	1,752	12%
SFY 2022	2,397	37%

Data Notes:
1) Counts do not include individuals waiting in the community (released from jail on Personal Recognizance).
2) Counts prior to 2018 may include non-competency evaluation referrals due to limitations of ESH data system.
3) The table reflects jail status at the date the order was signed or the beginning of an in-jail status change.

REFERENCES

- 1- Morris, McNeil, & Binder (2021)
- 2- Gowensmith (2019)
- 3- State of Washington Forecasting & Research Division (2019)
- 4- Hipp and Kane (2017)
- 5- U.S. Department of Housing and Urban Development (2020)
- 6- Olson, MacDonald, & Rankin (2015)
- 7- Washington State Courts (2020)
- 8- "Forensic mental health care" (2019)
- 9- Washington State Department of Social and Health Services (2022)

CONTACT

Kayla Wetzig

Email: kayla.wetzig@valpo.edu

Dr. Holly Cross

Email: holly.buckman@valpo.edu,

Website: <https://sites.google.com/valpo.edu/cross-research-lab/home> (or scan QR code)

